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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,873	06/14/2001	Kulvir S. Bhogal	AUS920010390US1	8232

7590 03/25/2004

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EXAMINER

OMARY, NAWARA T

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/881,873	Applicant(s) BHOGAL ET AL.	
	Examiner Nawara T. Omary	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/14/01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 06/14/2001 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-9, 12-18, 22-24, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al. (Patent # 5,684,861).

In regard to Claim 1, Lewis discloses in his method a tracking communications usage time comprising: counting time increments in response to a call; determining a call count based on time increments; and modifying the call count based on calling plan parameters (Abstract)(C3, L. 12-29)(C5, L. 55-67)(C6, L.1-19).

In regard to Claims 2 and 3, Lewis discloses in his system adding the modified call count; and determining an accumulated call count. He also discloses subtracting the modified call count from a time ration; and determining a remaining call time (C3, L.12-29)(C4, L.59-66)(C6, L.45-54).

In regard to Claims 7 and 8, Lewis discloses in his method modifying the call count to comprise discounting a nighttime call. Lewis also discloses modifying the call count to comprise discounting a weekend call (Abstract)(C5, 56-67)(C1-C19)(C45-C56).

In regard to Claim 9, Lewis discloses in his system the method of providing a special usage parameter; calculating a special call count based on the special usage parameter and the modified call count (Abstract)(C3, L.17-29)(C6, L.22-26)(C13, L.11-17).

In regard to Claims 12-15, Lewis discloses in his system a method wherein the special usage parameters comprise a nighttime usage parameter, a weekend usage parameter, a peak usage parameter, and an off-peak usage parameter respectively. Also, Lewis discloses, the special call counts comprise a nighttime usage count, a weekend usage count, a peak usage count, and an off-peak usage count respectively (Abstract)(C2, L.48-53)(C6, L.1-19)(C10, L.12-14)(C13, L.11-17).

In regard to Claim 16, Lewis discloses a computer (or a microprocessor) usable medium including a program for tracking communications usage time comprising: computer readable program code for counting time increments in response to a call; computer readable program code for determining a call count based on time increments; and computer readable program code for modifying the call count based on calling plan parameters (Abstract)(C3, L. 12-29)(C5, L. 55-67)(C6, L.1-19).

In regard to Claims 17 and 18, the rejection is based on the same reason as set forth in Claims 2 and 3.

In regard to Claims 22 and 23, the rejection is based on the same reason as set forth in Claims 7 and 8.

In regard to Claim 24, the rejection is based on the same reason as set forth in Claim 9.

In regard to Claims 27-30, the rejection is based on the same reason as set forth in Claims 12-15.

In regard to Claim 31, the rejection is based on the same reason as set forth in Claims 1 and 16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (Patent #5, 684, 861) in view of Abe et al. (Patent #5, 966,509).

In regard to Claims 4 and 19, Lewis discloses a method and apparatus of tracking communications usage time that comprises modifying call counts.

However, Lewis does not disclose call count rounding. Abe teaches in his Network Management Device a call count rounding method (C26, L.19-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Abe on Lewis in order to provide a better call count management.

5. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (Patent #5, 684, 861) in view of Kraushaar et al. (Patent #4, 200,771).

In regard to Claims 5 and 20, Lewis discloses a method and apparatus of tracking communications usage time that comprises modifying call counts. However, Lewis does not disclose a method for subtracting initial connection time from call counts. Kraushaar teaches in his system a device and method that would subtract such time from call counts (C5, l.12-28)). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Kraushaar on Lewis in order to provide more accuracy in counting calls.

6. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (Patent #5, 684, 861) in view of O'Donovan (Patent #5, 960,070).

In regard to Claims 6 and 21, Lewis discloses a method and apparatus of tracking communications usage time that comprises modifying call counts. However, Lewis does not disclose a method for discounting incoming calls. O'Donovan teaches in one embodiment of his system a billing method that would not charge for incoming calls (C2, L.57-60)(C3, L.2-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow O'Donovan on Lewis in order to provide a better billing method.

7. Claims 10, 11, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (Patent #5, 684, 861) in view of Altschul et al. (Patent #5, 875,393).

In regard to Claims 10, 11, 25 and 26, Lewis discloses a method and apparatus of tracking communications usage time that comprises of special parameters. Lewis does not disclose that some special parameters would comprise of a long distance usage count and a local distance usage time. Altschul teaches the special call counts to comprise long distance and local distance (C5, L.29-35, L.66-67)(C6, L.1-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Altschul on Lewis in order for the method to further accommodate different call counts and arrangements.

Response to Arguments

8. Applicant's arguments filed 01/06/2004 have been fully considered but they are not persuasive.

In response to the argument related to Claims 1-3, 7-9, 12-18, 22-24 and 27-31, the Examiner disagrees with the applicant due to the following reasons:

Lewis does disclose modifying the call count based on calling plan parameters as can be referenced again to (Abstract)(C3, L.12-29)(C5, L.55-67)(C6, L.1-19). Wherein the Examiner interprets the cited reference [as indicated above] what is claimed for modifying the call count based on calling plan parameters. The use of the terminology as shown in Lewis' Abstract "The microprocessor maintains updates the statistical

information, as necessary", to be equivalent to the claimed statement of "call count modification" (or update).

Therefore, Lewis still anticipates the inventions claimed in Claims 1,16, and 31 and the 102(b) rejection still holds.

Lewis also still discloses for Claims 2 and 3, the addition and subtraction and other calculations for call counts. Wherein the examiner interprets the use of a microprocessor can function to perform any sort of calculation and modification (C5, L.45-67)(C6, L.1-26). Therefore, Lewis still anticipates the inventions claimed in Claims 2 and 3 and the 102(b) rejection still holds.

Consequently, and based on the above arguments, the dependent Claims 7-9, 12-15, 17, 18, 22-24 and 27-30 are still rejected as anticipated by Lewis.

All other dependent Claims 4-6, 10, 11, 19-21, 25 and 26 are also still rejected for being dependant on rejected independent claims.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nawara T. Omary whose telephone number is 703.305.6311. The examiner can normally be reached on 8:00 AM - 4:30 PM.

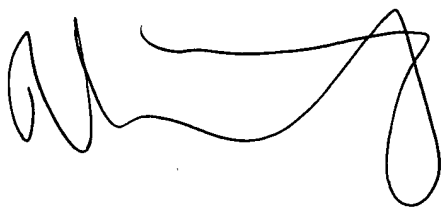
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703.308.5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9314 for regular communications and 703.872.9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

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Nawara T. Omary

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March 22, 2004

A handwritten signature in black ink, featuring a large, stylized 'C' and a long horizontal stroke.

CONG VAN TRAN
PATENT EXAMINER